United Nations A/HRC/31/NGO/224

General Assembly

Distr.: General
25 February 2016

English only

Human Rights Council
Thirty-first session
Agenda items 3 and 7
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Human rights situation in Palestine and other occupied Arab territories

Joint written statement* submitted by International-Lawyers.Org, the Arab Organization for Human Rights, the General Arab Women Federation, the Indian Movement "Tupaj Amaru", the International Organization for the Elimination of All Forms of Racial Discrimination, the Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, Inc., the World Peace Council, non-governmental organizations on the roster, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-03025(E)

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Reprisal against NGOs

Abstract

Palestinians have long suffered from inhuman treatment and human rights violations on the hands of Israeli authorities ever since the onset of the Palestinian-Israeli conflict.
This statement concerns the outlawing, criminalization and shut down of non-governmental organizations and the impedance of the activity of members of these organizations through a wide range of practices including detention, deportation, prosecution, threat of prosecution, travel bans, sequestrations of properties and funds.

The statement sheds light on an Israeli governmental decision outlawed twenty-one non-governmental organizations (NGOs). In particular:

1. Iqra' (Read) Association for Educational Advancement in the Arab Sector
2. The Islamic Organization Kofr-Kana
3. The Humanitarian Relief Fund
4. H'iraa' Association for Memorizing the Quran
5. The Negev Organization for the Human and the Land
6. Yafa Organization for Charity
7. Al-Takaful "Social Solidarity" Foundation
8. E'mar Center for Economic Development and Empowerment, and Izdiharuna for supporting small businesses
9. Al-Risala, Publishing and Media
10. The Bayariq of the Haram al-Sharif
11. Al-Masra Fund
12. Al-Aqsa Institute
13. Nour Center for Islamic Research and Studies
14. Ribat al-Quds
15. Al-Israa' for Social Development
16. Al-Isra' Fund for Relief and Development
17. Al-Isra' Organization
18. Al-Balagh Media Center
19. Relief fund
20. eimar
21. izdiharuna

The Statement should be red in context of racial, ethnic and religious discrimination.
To provide a wider context of the Israeli use of the pretext of emergency law and to highlight the gravity of the November decision the statement will address the cases of several Organizations.

The Legal Ground for Israeli Governmental Practices.

Today, Israel is a legally defined and acting Jewish state with 1.5 million Palestinian-Arab Citizens. The population is placed under a system of discrimination and exclusion supported by a legal and political system that creates a hierarchical citizenry that privileges Jews over others in Israel.

Since the year 2000, the Israeli government increased its use and reliance on The Defense Emergency Regulations (DER).[1] The regulations alongside the continued State of Emergency have since aided the removal of organizations and associations.[2]

[1] The Defense Emergency Regulations of 1945 were a set of British Colonial regulations enabling a government to conduct incommunicado detention, enact house demolitions, declare associations as unlawful, order sequestrations of private properties, conduct sweeping searches and seizures, ban newspapers and media outlets, conduct deportations, impose curfews and more.

Worth mentioning, up until the year 2000, Israel, declared only 55 organizations to be terrorist and unlawful. However, owever between 2001 and 2015 this number jumped to 320.

In addition to the use of the DER, the Israeli authorities greatly rely on The Prevention of Terrorism Ordinance (PTO) of 1948.[3] Both legislations predate and contravene the Universal Declaration of Human Rights (UDHR) and remain used excessively.
The lack of conditions for fair trial is faced by organizations deemed to be unlawful, as information used for such judgment is usually kept confidential and as the law itself limits the ability of due process and puts the burden of proving innocence on the deemed organization.[4]

Alongside the authority given to the Minister of Security, the Police Commissioner has the power to close offices of unlawful organizations and associations. In line with this the government suspended hundreds of organizations, mostly organizations with Arab-Palestinian missions, ideologies, and constitutions.

I. **The Islamic Movement (Northern Branch)**

Established in 1970, the Movement was founded to serve the religious and socio-economic needs of the Palestinian-Arab citizens of Israel.[5] The Movement remained operational within the narrow margins of Israeli legal and political system. However due to the Palestinian nature and their political opposition and religious difference the Movement and its leaders were subjected to repeated prosecution.
Regardless of the fact that the movement violated no laws it faced shut down in November 2015 after the government disseminated unfounded allegations claiming the movement is a part of or linked to ISIS/Hamas.
DER allowed the Israeli authorities to limit the activities of such a popular organization.

II. **Iqra': The Association for Advancing Higher Education in the Arab Community**

Established in 1995, Iqra' aims to increase the percentage of students with higher education among the Palestinian Arab citizens in Israel. [6]

When faced with decision, the Association according to the law requested the cancellation of the shutdown order and highlighted that they are in no way related to any terrorists. The organization went further to and requested the evidence used to increment them.[7]

This illustrates, that the Israeli government has no solid grounds to issue such orders, which are enforced on racial basis by a discriminatory judicial system.

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[2] The Israeli Parliament (Knesset) is authorized by the law to declare a State of Emergency of up to one year, and every six months or one year the Knesset extends the State of Emergency.

[3] The Prevention of terrorism Ordinance allows the ministry of security to declare an organization as terrorist or unlawful. The ordinance encompasses several unconstitutional components.

[4] Article 8 of the *Prevention of Terrorism Ordinance*, "If the Government, by notice in the Official Gazette, declares that a particular body of persons is a terrorist organization, the notice shall serve, in any legal proceeding, as proof that that body of persons is a terrorist organization, unless the contrary is proven."

[5] The Islamic Movement, focused on communal development through cultural actives, socio-economic relief and support, political participation and empowerment of Palestinian communities.

[6] Iqra supports high school students in choosing the proper field of study and organizes training courses for various university admissions exams. Iqra' serves around 10000 students.

[7] Request for evidence was denied and the ministry of security issued a vague statement. "Per your request, below is a paraphrasing of the intelligence information that could be released together with the reasons for declaring your organization as an unlawful association.
According to the information in our hands, *Iqra'* Organization for Advancing Education in the Arab Sector (hereafter: "the organization"), was founded in the late 1990s by activists of the Islamic Movement and with the involvement of its leaders, in order to organize student-based educational activities by the Movement. The Islamic Movement sees the organization as a platform to recruit people to its cadre.
Further, we have information that the organization received funding from other organizations that belong to the Islamic Movement.

III. The Negev/Naqab Association

Founded in 2001, the Naqab Association carries the main objective of ameliorating the socio-political tragedy of the Palestinian Arab Bedouin citizens of the Naqab.[8][9]

The Naqab Association was deemed unlawful by the Israeli government despite the fact that it has been active for fifteen years with no major changes that would necessitate its criminalization. Again, the major allegation is that some of its members are Muslims and political activists who oppose the Israeli policies against the Naqab Bedouin citizens.

IV. E'mar Center for Economic Development and Empowerment

Founded in 2008, *E'mar* deals with poverty and economic impoverishment in Palestinian communities in Israel.

Like all previously mentioned organizations, E'mar faced injustice from the Israeli authorities under the same charges as other institutions and via the abuse of DER and PTO legislation.

V. Alquds Foundation for Development

Alquds Foundation for Development (hereby the Foundation) is a nonprofit organization established in 2008 to serve public and social objectives in East Jerusalem. Since its establishment, the Foundation provided social, legal, and planning services to residents of East Jerusalem who suffer from grave breaches of their rights by the Israeli authorities.[10]

On 23rd October 2011, Israeli police raided the Foundation's offices, an employee was arrested and all hardware material was confiscated. Two days later offices were re-raided and ordered shut down. The closure order was originally for a month but was further extended till October 2012.

The main allegation was that the arrested employee was suspected to be a Hamas member and therefore poses a security threat. Although the arrested employee was fired the shutdown order remained intact.

The foundation put forward a petition to the Israeli high court. Initially the court ruled that the order outlawing the foundation was void. However, a new ban was issued extending the duration of the initial ban.[11]

A number of other orders were issued including closure of the foundation's offices in Jerusalem. And all attempts to challenge the ban were unsuccessful.

Conclusion

1. The recent ban targets peaceful civil society organizations dedicated to protecting and promoting human rights. By outlawing such institutions, governmental authorities have silenced political dissent and opposition.
2. The board members of all organizations deemed unlawful are all Palestinian Arab citizens of Israel, with no criminal records hence, the actions of the government prove to be of a discriminatory nature.
3. The Israeli legal system makes it impossible for any non-governmental institution to challenge the orders of the State.
4. Contrary to international law, Israel has declared a State of Emergency for 68 years, in both the Occupied Palestinian Territories and in armistice Israel.[12]

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[8] About 100,000 residents of this community live in 45 so-called unrecognized villages in the Naqab, without any basic services of roads, sanitation, running water or electricity, or educational and social services. In addition to denying them basic civil services, Israeli law subjects all constructions in these villages to demolition.

[9] Palestinian Arab Bedouin citizens were dispossessed of their original lands and placed on new sites without any legal status.

[10] The Foundation also focuses its activities on housing, humanitarian assistance, and legal services. To deal with the city of Jerusalem's systematic refusal to grant Palestinian residents building permits the foundation, sought to legalize illegal consturciton via renovations and preparation of zoning plans. The foundation further assists people in need, primarily by providing food to low-income residents of East Jerusalem and providing legal advocacy to residents dealing with the same myriad forms of discrimination.

[11] The court ruled that due to the geographical location of the Foundation it is for the Israeli Military Commander and not the Police Commissioner to determine if the foundation is unlawful.

[12] Article 4 of the ICCPR and General Comment No.29 of the Committee on Civil and Political rights outline that any emergency measure must be of an exceptional and temporary nature and must be limited to the extent strictly required by the exigencies of the situation. A 68 year old state of emergency is not temporary.

5. All the outlawed organizations reject emphatically Israel's allegations because they have been acting lawfully. Israel's decision to outlaw these organizations reflects ongoing persecution of and discrimination against the native Palestinian population. In particular, the outlawing of Muslim organizations is an explicit and unlawful form of discrimination against Muslims.
6. Governmental authorities would pursue criminal prosecutions if they actually had evidence to indict the institutions in question. The lack of usable evidence causes authorities to turn to an outdated colonial law such as DER.
7. The official Israeli list of "terrorist" and "unlawful" organizations reflects an erroneous, misleading, and fundamentally discriminatory policy of associating all Muslims with terrorism. The recent banning of these organizations is yet another example of Israeli exploitation of "security concerns."
8. Israeli policies and practices are contrary to and in violation of ICCPR and UDHR.[13]
9. The Israeli move is in grave violation of the Human Rights Council resolution 24/24 of 9 October 2013. The ban of non-governmental organizations is a flagrant breach of international law and the international Human Rights law.
10. The right to establish organizations, for all religious, political, social or cultural reason is a fundamental right that all UN member states should respect, therefore NGOs should be protected from prosecution, intimidation or reprisals

Recommendations:

- The Human Rights Council is legally obliged to take action regarding the information in this report and all the reprisals against human rights defenders by the Israeli authorities.
- We urge all member states of the Human Rights Council to exert all its efforts and pressure on Israel in order to refrain from all acts of intimidation or reprisal against NGOs.
- We call on the Special Rapporteur on Palestine, the Special Rapporteur on the right to freedom of assembly and of association to follow up these violations in their coming reports.

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Meezaan Center for Human Rights, The Arab Association for Human Rights ,The BRussells Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), General Federation of Iraqi Women (GFIW), Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Human Rights Defenders in Iraq (AHRDI), Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association, Organisation for Justice & Democracy in Iraq (OJDI), NGOs without consultative status, also share the views expressed in this statement.

[13] Article 22 of ICCPR and Articles 7,19,29 of the UDHR